

**MEMO ENDORSED**

HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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NEW YORK, NY 10007

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May 29, 2022

**BY ECF**

Honorable Katharine H. Parker  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Kirby v. Carter, et al.*, 21-cv-9056 (AT) (KHP)

Your Honor:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to the defense of the above-referenced matter on behalf of Defendants Carter, Guerra, and Horton. Plaintiff alleges a violation of his constitutional rights due to the conditions of his confinement at the Vernon C. Bain Center.

I write to respectfully request an adjournment of the initial conference currently scheduled for, May 31, 2022, at 3:00 p.m. I apologize to the Court for the lateness of this request in light of Your Honor's Individual Practices. This is the fourth request for an adjournment of the initial conference. Because Plaintiff is incarcerated and proceeding *pro se*, the instant application is made directly to the Court.

The reason for the requested adjournment is that it has recently come to my attention that Plaintiff is no longer in the custody of the New York City Department of Correction (DOC) as he was transferred to a New York State prison. Specifically, on or about April 19, 2022, Plaintiff was transferred from DOC custody to a State facility. According to the New York State Department of Corrections and Community Supervision Inmate Lookup website (available at <http://nysdoccslookup.doccs.ny.gov/kinqw00>), Plaintiff is currently incarcerated at the Greene Correctional Facility, 165 Plank Road, P.O. Box 975, Coxsackie, NY 12051-0975. Plaintiff, however, has failed to update his address with this Office or with the Court.

Accordingly, Defendants respectfully request an adjournment of the initial conference scheduled for, May 31, 2022, at 3:00 p.m. and a corresponding adjournment of the deadline for Defendants to complete and file the Proposed Case Management Plan for *Pro Se* Plaintiffs.

I thank the Court for its consideration of this request.

Respectfully submitted,

\_\_\_\_\_  
/s/

Philip S. Frank  
Assistant Corporation Counsel

**By First Class Mail**

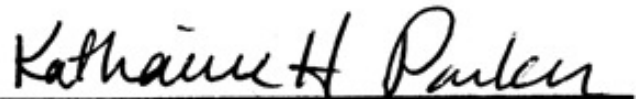
Termain Kirby  
Plaintiff *Pro Se*  
DIN: 22R0789  
Greene Correctional Facility  
165 Plank Road  
P.O. Box 975  
Coxsackie, NY 12051-0975

**APPLICATION GRANTED:** The Initial Case Management Conference scheduled for Tuesday, May 31, 2022 at 3:00 p.m. is hereby rescheduled for **Thursday, July 21, 2022 at 12:00 p.m**. It is hereby **ORDERED** that the Warden or other official in charge of the Greene Correctional Facility produce plaintiff **Termain Kirby., DIN # 22-R-0789, on July 21, 2022 no later than 12:00 p.m.,** to a suitable location within the Greene Correctional Facility that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defendants' counsel. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling (212) 805-0234.

Defendants' counsel must: (1) send this Order to the Warden immediately; (2) contact the Greene Correctional Facility to arrange the call and determine the telephone number at which the plaintiff will be reachable at the above time and date; (3) complete the Proposed Case Management Plan For Pro Se Plaintiffs and file it via ECF, and (4) telephone Judge Parker's teleconference line at (866) 434-5269, Access code: 4858267, with the plaintiff on the line, at the time and date of the conference.

**The Clerk of Court is requested to mail a copy of this order to the plaintiff.**

**APPLICATION GRANTED**



**Hon. Katharine H. Parker, U.S.M.J.**